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MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742			EXAMINER HENRY, RODNEY M	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/733,985
Filing Date: December 11, 2003
Appellant(s): BENNETT ET AL.

Attorney Marcia Doubet
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 21, 2009 appealing from the Office action mailed June 23, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Currans et al. 6,731,393 May-2004.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- 1. Claims 1-6, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Currans et al. (6,731,393).**

As per claim 1, Currans et al. discloses a method of selectively subscribing to content in a computing environment (Column 6, lines 11-12, FIGS. 1 and 13 discloses custom (selective) documents by a subscribing user. FIG. 5 shows subscription options for news, sports, money etc.. FIGS. 9A-12 shows examples of the custom documents), comprising:

enabling a user to identify, from a rendered (provider) view of content which is of interest to the user, (Column 13, lines 55-57 discloses the content of interest indicated (identified) by the user); and wherein a renderer (provider) of the content has not provided a subscription interface thereto (Column 7, lines 23-27 discloses content manager 518 of FIG. 13 may be deployed separate from edit module 120, indicating that an interface is not provided);

and registering a subscription, for the user, to the identified portion of the content (FIG. 5 shows the registration screen and instructions. Several portions of content registration are shown; registration for an offer to win (see dig by ENTER to WIN!), free instant delivery download registration, etc.).

As per claim 2, Currans et al. discloses using the registered subscription to deliver updates of the identified portion of content to the user (Column 13, lines 19-20 discloses daily printings of the user's personalized newspaper (portioned updates). See FIG. 11A also).

As per claim 3, Currans et al., discloses :
enabling the user to customize subscription to specify at least one condition which must be matched before the user is interested in the identified portion of the content, (see col 7, lines 29-33 which discloses user interest as one condition (key contributor) to subscription customization (custom document generation))
and wherein the registering further comprises the customization (see FIG. 8).

As per claim 4, Currans et al. discloses using the registered subscription to deliver an update of the identified portion content which match the condition to the user (Column 13, lines 18-20 discloses that the user has requested document 13000, his personalized newspaper be printing at of 6:00 am, every day (the conditions), and FIG. 11A).

As per claim 5, Currans et al. discloses specifying, for the user, at least one action to be carried out when at least one condition is met in an update to the identified portion of the content carrying out at least one action (Column 13, lines 19-20 discloses the action of printing the personalized newspaper when the conditions of 6:00 am and new day are matched. The action is printing. An example of this is a user

getting updates to stock prices as with FIG. 9A should the user set up a close of stock market time (condition) for getting the customized updates)).

As per claim 6, Currans et al. discloses evaluating the registered subscription, and if the at least one condition registered therein is met in update to the identified portion of the content, carrying out the one action (Column 13, lines 21-23 discloses the edit module 120 examining (evaluating) the user's interest as specified to assemble the custom document. Column 13, lines 19-20 discloses the action of printing the personalized newspaper when the conditions of 6:00 am and new day are matched. An example of this is a user getting updates to stock prices as with FIG. 9A should the user set up a close of stock market time (condition) for getting the customized updates)).

As per claim 12, Currans et al. discloses enabling the registering are adapted for enabling a plurality of users to identify the portion of content which is of interest to each of the plurality of users (FIG. 1 shows a plurality of users that receive the content; 20320, 20330, 20350, and 20360) and registering subscriptions to updates of the identified content for the plurality of users, respectively (FIG. 5 shows the registration screen and instructions. The subscriptions are shown as well).

(10) Response to Arguments

Examiner notes that the prior art anticipates the features of the Appellant's independent claim 1.

In reference to representative independent claim 1, the prior art anticipates claim 1.

Currans discloses a method of selectively subscribing to content in a computing environment (Column 6, lines 11-12, FIGS. 1 and 13 discloses custom (selective) documents by a subscribing user. FIG. 5 shows subscription options for news, sports, money etc.. FIGS. 9A-12 shows examples of the custom documents), comprising:

enabling a user to identify, from a rendered (provider) view of content which is of interest to the user, (Column 13, lines 55-57 discloses the content of interest indicated (identified) by the user); and wherein a renderer (provider) of the content has not provided a subscription interface thereto (Column 7, lines 23-27 discloses content manager 518 of FIG. 13 may be deployed separate from edit module 120, indicating that an interface is not provided);

and registering a subscription, for the user, to the identified portion of the content (FIG. 5 shows the registration screen and instructions. Several portions of content registration are shown; registration for an offer to win (see dig by ENTER to WIN!), free instant delivery download registration, etc.).

Response to Claim 1

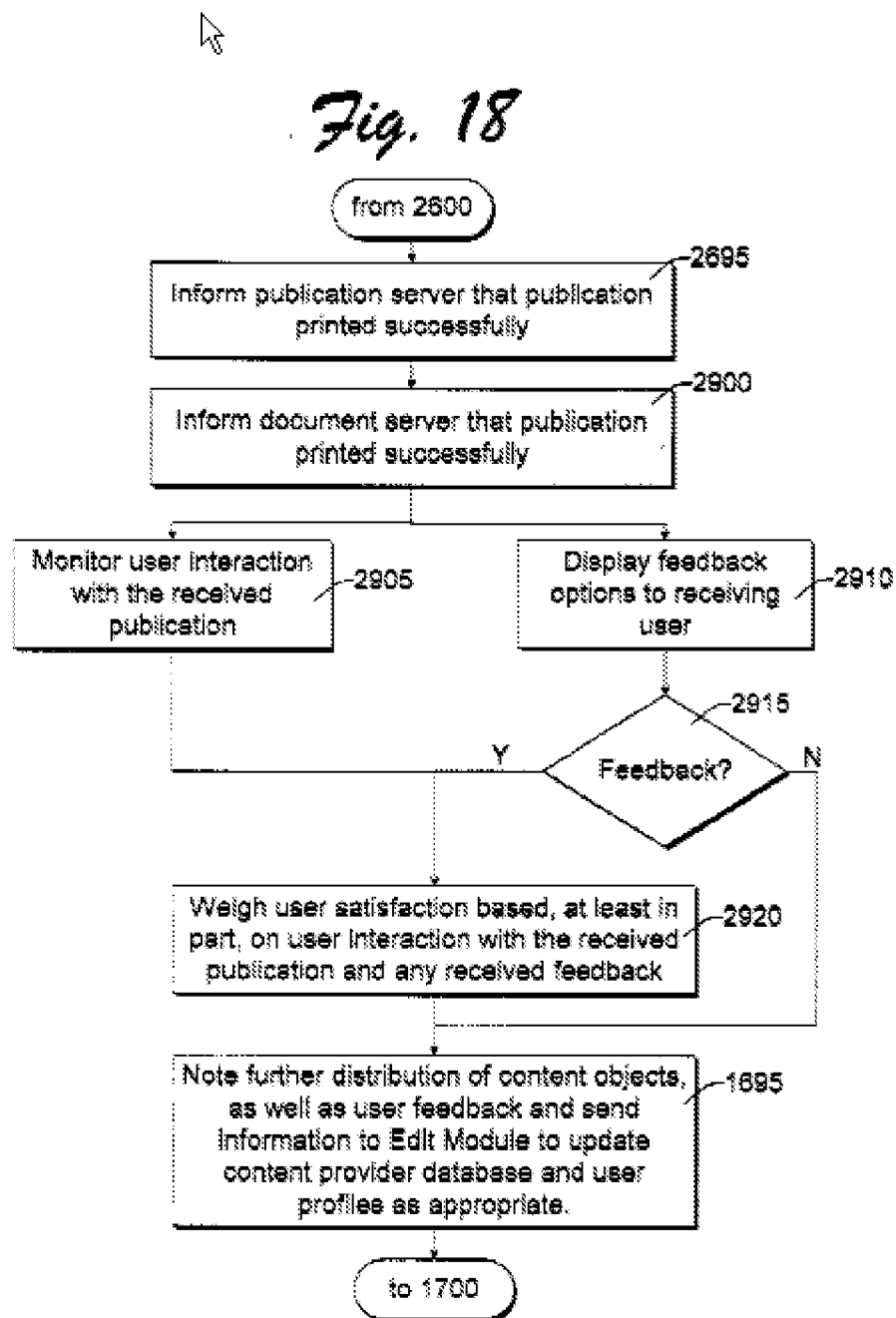
The applicant's arguments with regards to claim 1 is addressed in the claim 1 rejection, as follows:

On page 7 of the Appellant's Appeal Brief, Appellant states, "No rendered view of content from which a user specifies an interest in a portion thereof is taught or disclosed. How the user in Currans indicates or identifies a specific interest in any portion is not described. Currans simply does not suggest, disclose or teach this subject matter".

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However, Currans discloses rendered content of interest to the user via FIG. 18.

At block 2905 the user interacts with the received (rendered) publication. Secondly at block 2920, the user not only interacts with the document (publication, but gives feedback (comments of interest or disinterest).

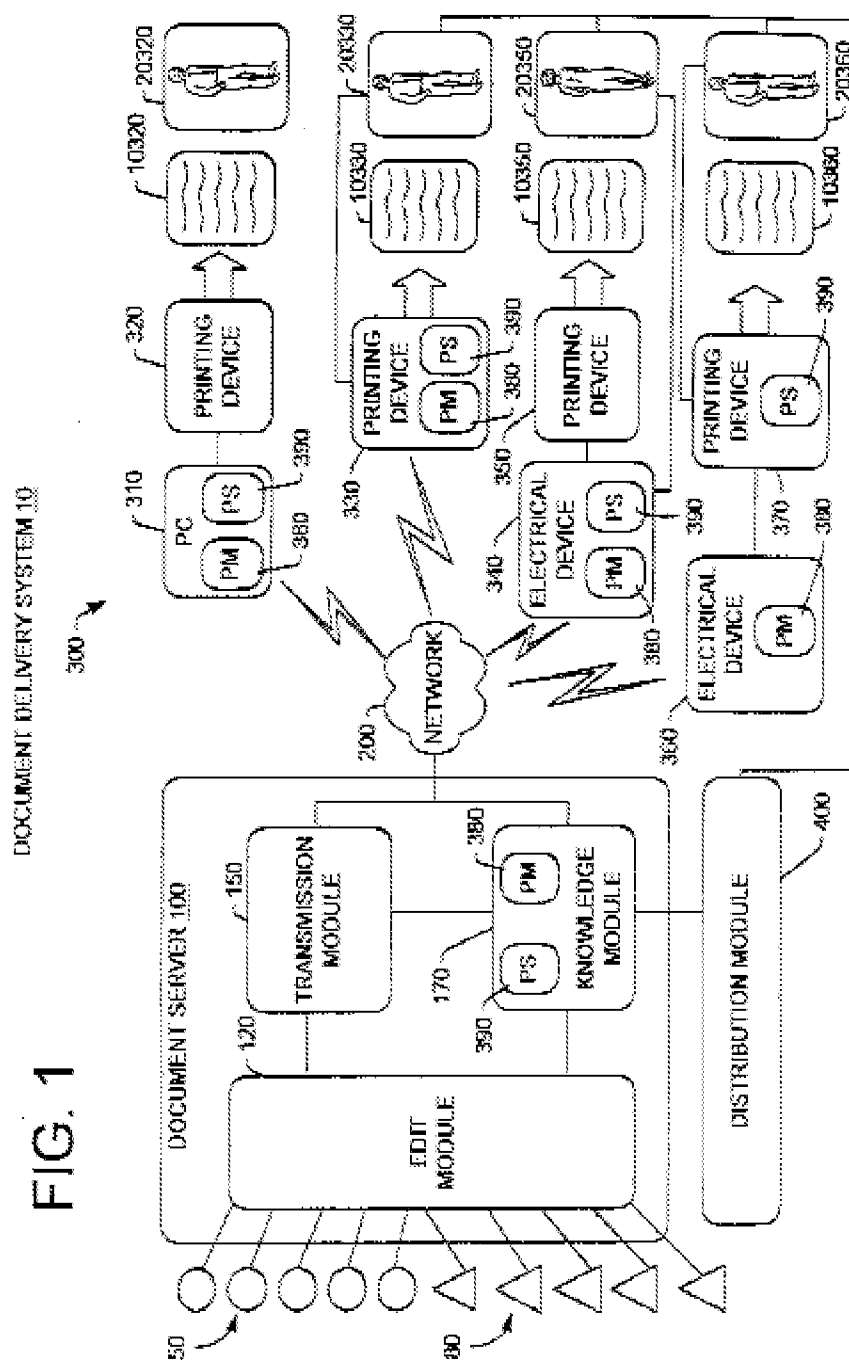


Hence, Currans anticipates these features.

On page 7 of the Appellant's Appeal Brief, Appellant states that the prior art does not disclose that, "a renderer of the view of the content has not provided a subscription interface thereto".

However, Currans discloses a "renderer of the view of the content has not provided a subscription interface thereto" via FIG. 1. In FIG. 1 the PC (310) and the Electrical Device (360) received rendered views of content. The renderer of the content has not provided a subscription interface to the PC or the Electrical device. Note that the interface is between the content providers (50) and (80) and the Edit Module (120), which in turn renders the content to the users (310 and 360).

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Hence, Currans anticipates these features.

On pages 8 and 9 of the Appellant's Appeal Brief, Appellant states Currans does not teach, suggest or disclose "registering a subscription ... to the identified portion of the content".

However, Currans discloses "registering a subscription ... to the identified portion of the content", via FIGS. 1, 5 17, and 18. FIG. 18, block 2905 discloses monitoring of user interaction with identified portion of content, and this information in turn being used to update the user profile and edit module (120 of FIG. 1). Block 1430 of FIG. 17 discloses construction of documents based on updates of user profile data. FIG. 5 shows the sign-up process for being able to get "favorite publications to a printer". The Examiner takes this to mean a subscription has taken place, albeit, a free subscription using the free software. These aspects of Currans disclose that a user is rendered content, is able to provide feedback on interest, and is able to receive a personalized document on a regular basis (subscription).

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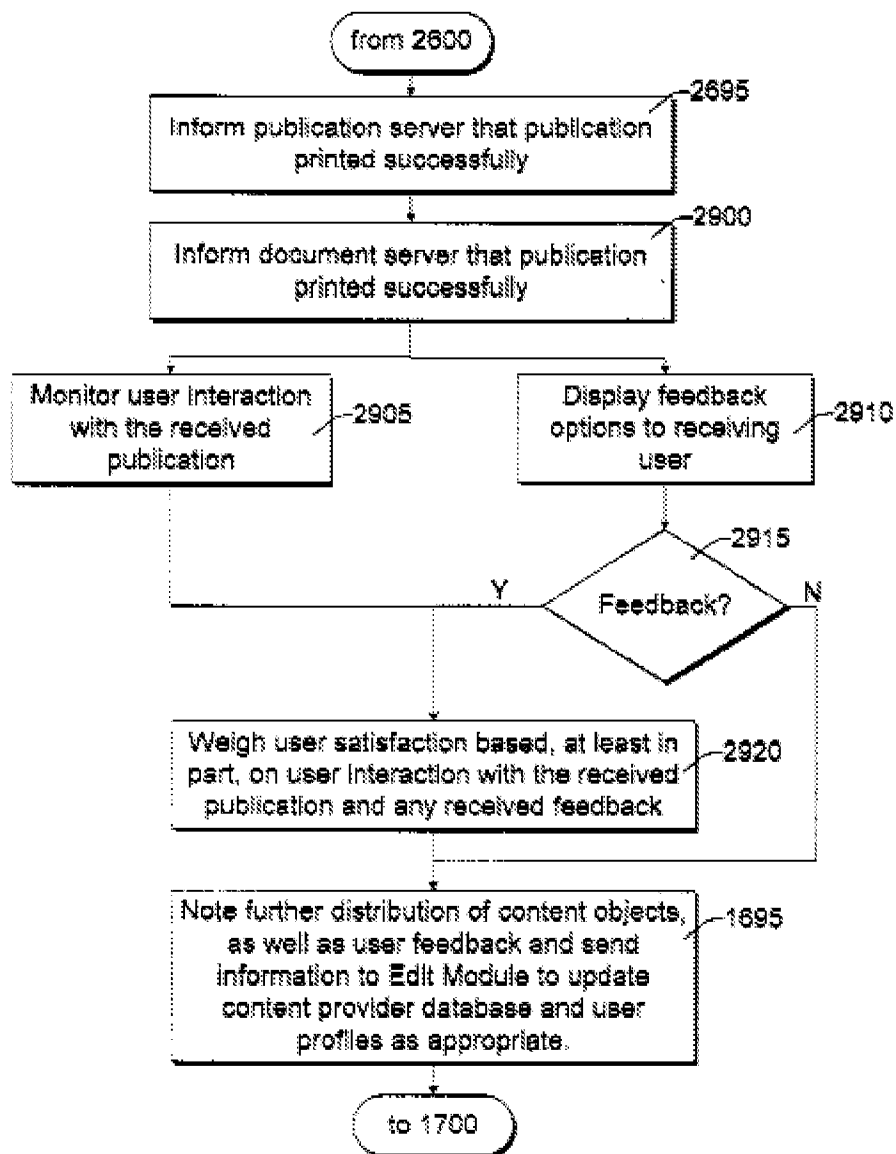
HP INSTANT DELIVERY		 HEWLETT PACKARD EXPANDING POSSIBILITIES	
HOME DOWNLOAD PRODUCT INFORMATION FEATURED PUBLISHERS PRODUCT SUPPORT DEVELOPERS PROGRAM INSTANT DELIVERY FEEDBACK ENTER TO WIN...	<h2>DOWNLOAD FREE SOFTWARE</h2> <p>GET THE INFORMATION YOU WANT-NEWS, SPORTS, MONEY, TECHNOLOGY, HOBBIES AND MORE-RIGHT NOW. FOLLOW THE STEPS BELOW TO BRING YOUR FAVORITE PUBLICATIONS TO YOUR PRINTER.</p>		
	<p>1 SAVE THE INSTALL PROGRAM TO YOUR PC'S HARD DRIVE. CLICK THE LOGO BELOW TO DOWNLOAD THE FILE NOW. REMEMBER WHERE YOU SAVE THIS FILE, YOU'LL USE IT IN STEP 2!</p>		
	<p>PRINTER: <input type="text" value="-- PLEASE SELECT YOUR PRINTER --"/></p>		
	<p>E-MAIL: <input type="text"/></p>		
	<p>HP CAN CONTACT ME <input checked="" type="checkbox"/></p>		
	<p>FILENAME: INSTALLHPD.EXE SIZE: 3.38MB (APPROX. 20MIN AT 28.8KB)</p>		
	<p>INSTANT DELIVERY </p>		
	<p>DOWNLOAD HERE</p>		
	<p>2 RUN THE INSTALL PROGRAM. LOCATE THE FILE YOU DOWNLOADED IN STEP ONE, THEN DOUBLE-CLICK IT. FOLLOW THE INSTRUCTIONS ON THE SCREEN.</p>		
	<p>PLEASE REVIEW THE README FILE FOR IMPORTANT INFORMATION</p>		
<p>AFTER INSTALLATION, THE SOFTWARE STARTS AUTOMATICALLY AND TELLS YOU EVERYTHING YOU NEED TO KNOW TO GET STARTED.</p>			
HP INSTANT DELIVERY		 HEWLETT PACKARD	
<p> CONTACT HP PRIVACY STATEMENT USE OF THIS SITE INDICATES THAT YOU ACCEPT THE TERMS OF USE <small>COPYRIGHT © 1998 HEWLETT PACKARD COMPANY</small> </p>			

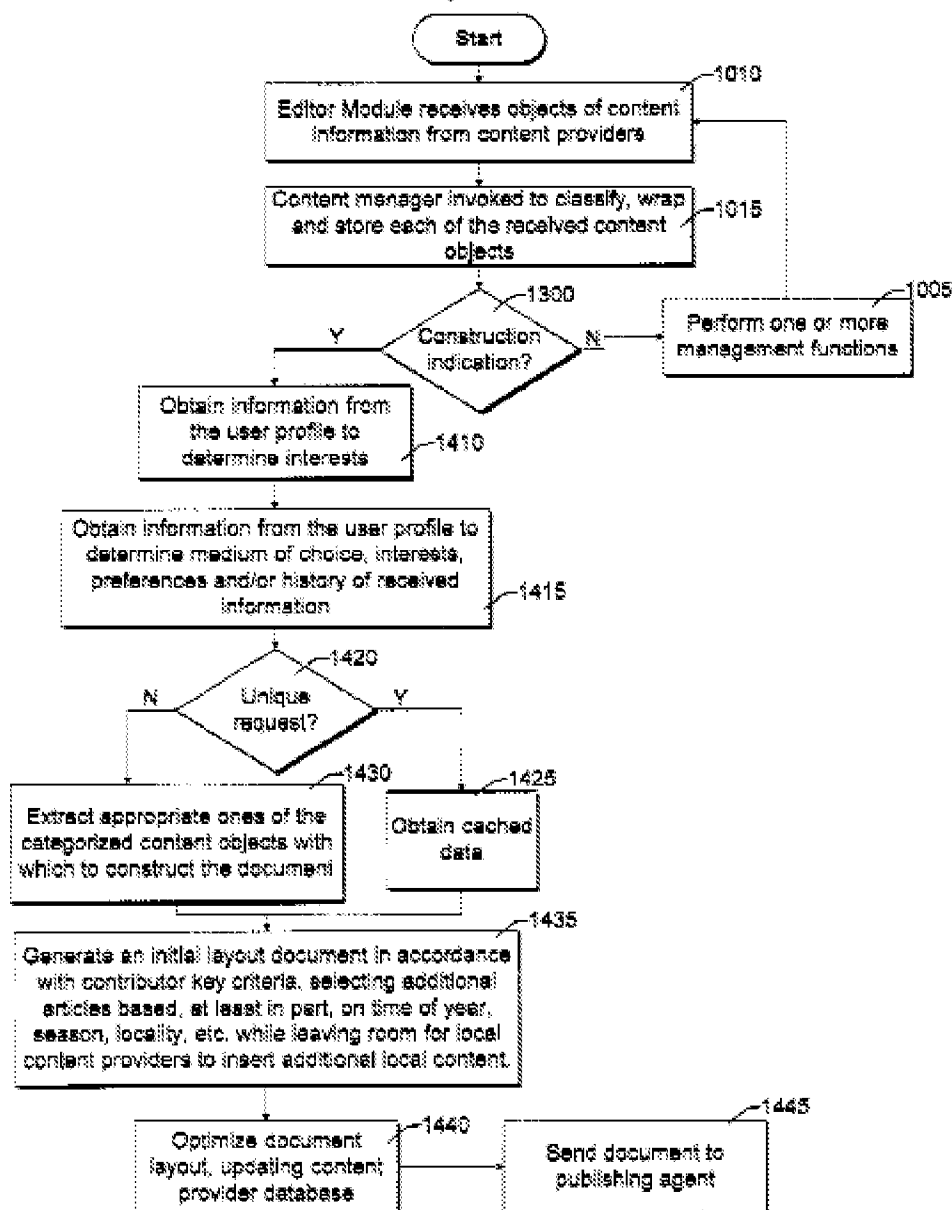
FIG.5

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Fig. 18

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Fig. 17

Response to Claim 2

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The applicant's arguments with regards to claim 2 is addressed in the claim 2 rejection,
as follows:

On pages 10 and 11 of the Appellant's Appeal Brief, Appellant states Currans does not teach, suggest or disclose "using the registered subscription to deliver updates of the identified portion of content to the user".

However, Currans discloses "using the registered subscription to deliver updates of the identified portion of content to the user", via FIGS. 17 and 18.

In FIG. 18 at block 2905, the user's interaction with the received publication is monitored (based on the subscription made per FIG. 5 ("favorite publications brought to the user's printer"....on a regular basis denotes subscription)).

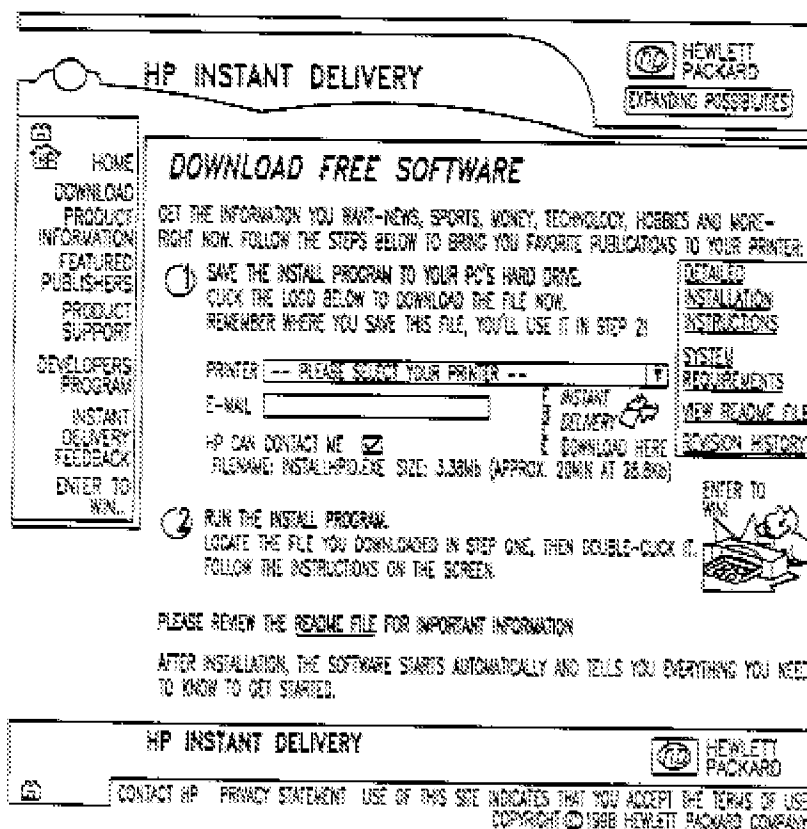
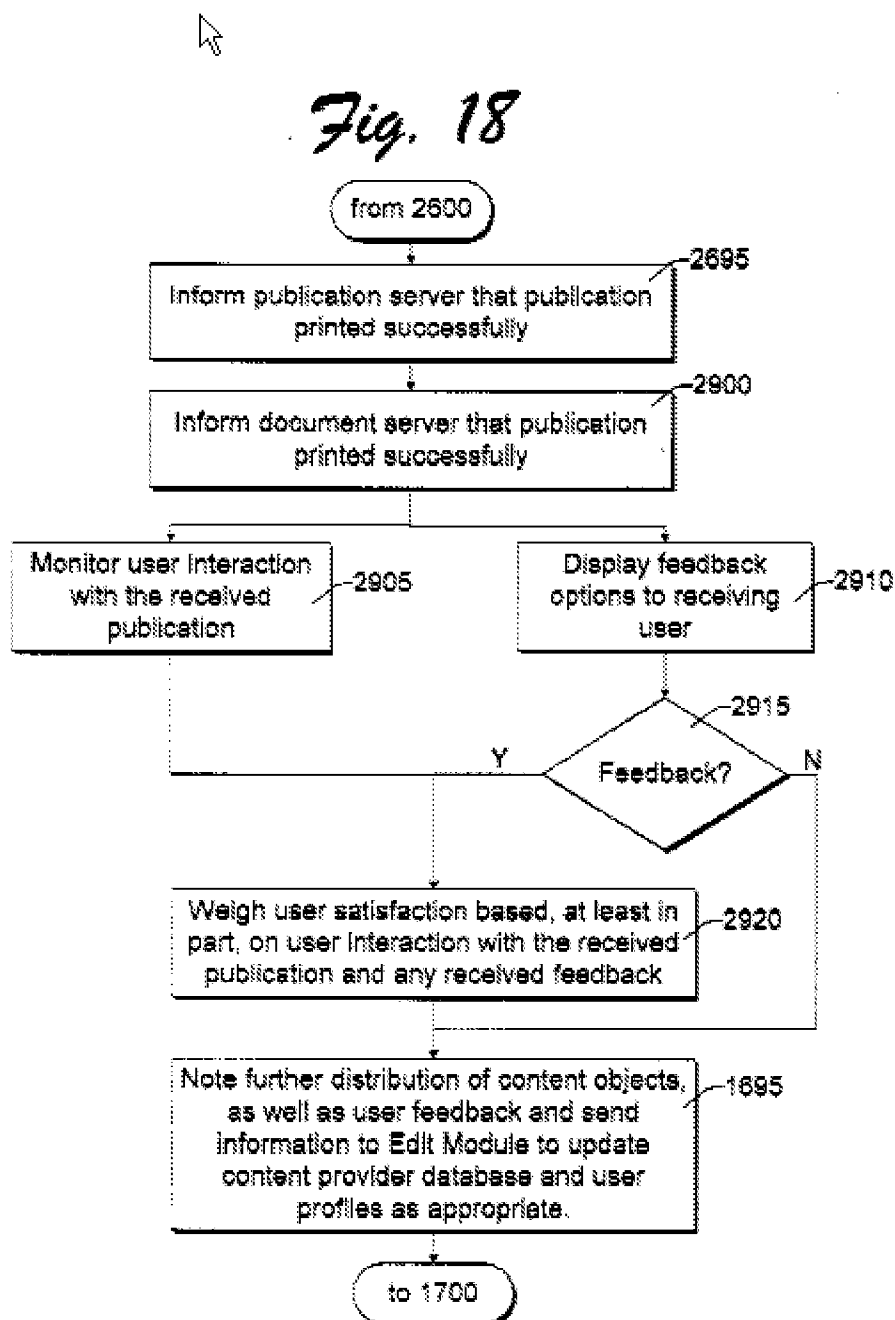


FIG.5

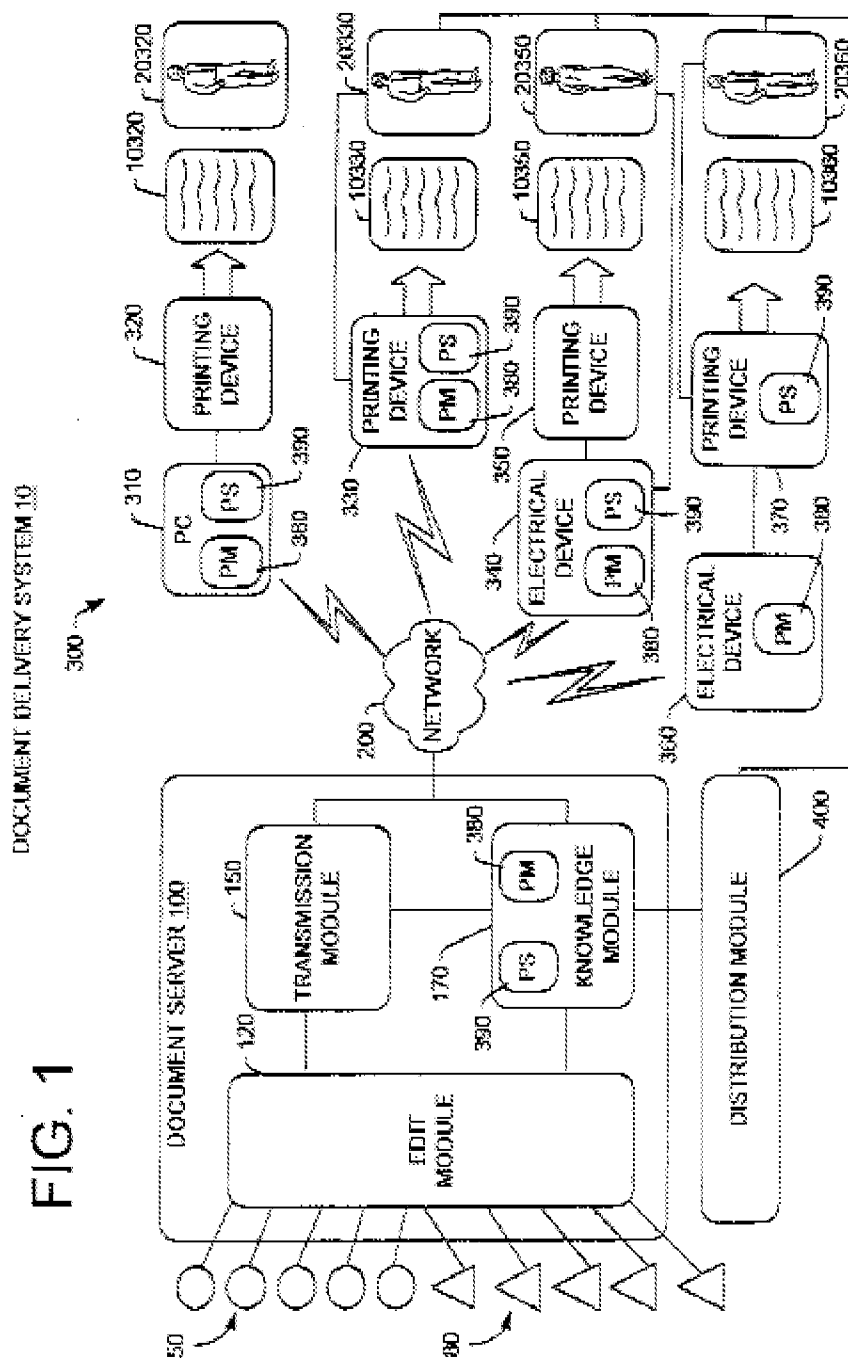
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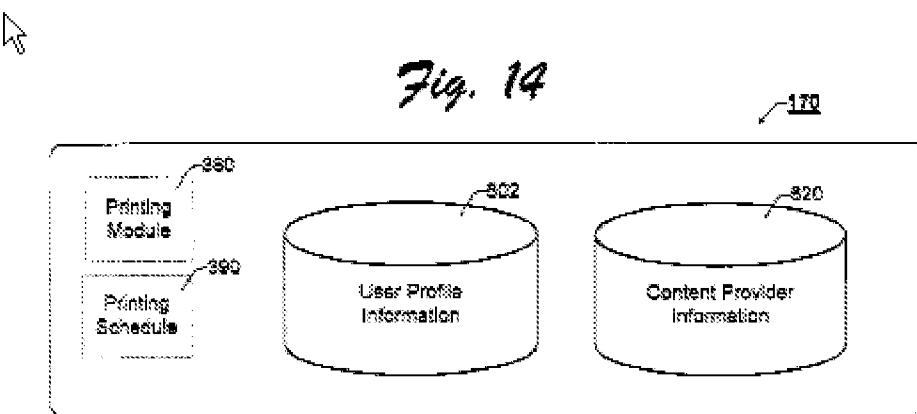
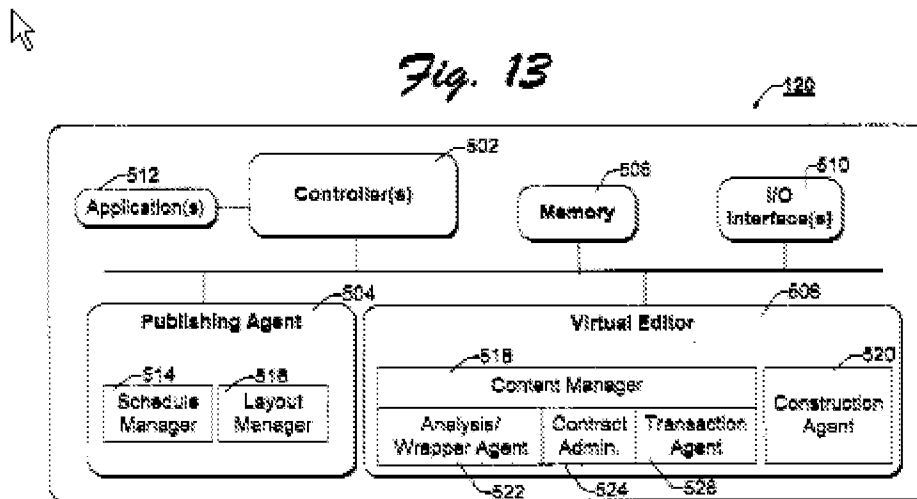
In FIG. 18 at block 2920, the user gives feedback (based on identified portion of content).



In FIG. 19, at block 1695, information gets sent to the Edit Module and the user profile. FIGS. 1, and 13, show the edit module (120), which houses content manager 518, and FIGS. 1 and 14 show the knowledge module 170, which houses the user profile information (602).

These components and others make it possible for the user to receive updates on contents of interest (identified content per user feedback captured in the user profile).





FIGS. 8, 9A, and 11A further indicate that the user gets updates based on identified content. For example, if a user identified that they are interested in Current Indexes, they can get a personalized newspaper (FIG. 11A) according to the schedule they signed up for (FIG. 8), along with updates of the indexes shown in Time.com (FIG 9A).

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The screenshot shows a dialog box titled "HP INSTANT DELIVERY - CNET News.com". It has four tabs: "DOCUMENT SUMMARY", "SCHEDULE", "START/END DATE", and "PRIORITY". The "SCHEDULE" tab is selected. The dialog is divided into two main sections: "DELIVERY TIME AND FREQUENCY" and "DELIVERY DAYS".

DELIVERY TIME AND FREQUENCY:

- There are three radio buttons:
 - ☐ USE THE PUBLISHER RECOMMENDED SCHEDULE
 - ☐ USE MY DEFAULT SCHEDULE (AVAILABLE VIA THE SETTINGS MENU)
 - ☒ USE THE CUSTOM SCHEDULE FOR THIS DELIVERY

DELIVERY DAYS:

On the left side of the "DELIVERY DAYS" section, there are three radio buttons:

- ☒ DAILY
- ☐ WEEKLY
- ☐ MONTHLY

Below these, there are two more radio buttons:

- ☐ EVERY 1 DAY(S)
- ☐ EVERY WEEKDAY (MON THROUGH FRI)

On the right side of the "DELIVERY DAYS" section, there are three radio buttons:

- ☒ ONCE AT 9:00am. To the right of this is a dropdown menu and the text "SELECT OR TYPE A DELIVERY TIME".
- ☐ MULTIPLE TIME. Below this are two dropdown menus, one showing "9:00am", and "ADD" and "DELETE" buttons.
- ☐ MULTIPLE TIMES AT A GIVEN FREQUENCY. Below this are two dropdown menus, one showing "12:00am" and the other "10:00am", and the text "EVERY 60 MINUTES".

At the bottom of the dialog are three buttons: "OK", "CANCEL", and "HELP".

FIG.8

FRIDAY May 7, 1999

TIME

.com

CURRENT INDEXES
FRI MAY 7 16:45 EDT

DJIA	11011.50	84.70
NASDAQ	2503.52	30.83
S&P 500	1345.03	2.31
NYSE	841.24	0.70
AEXX	787.29	1.80

afternoon update

INTERNATIONAL
TIMEdaily

ALL RIDING ON MOSCOW

The spin in Washington: Moscow has "finally" agreed to Western demands for a peacekeeping force in Kosovo, leaving Milosevic isolated. The spin in Moscow: Russia has always accepted a peacekeeping force in Kosovo, and Washington has finally signed on to a peace plan the Kremlin has been pushing for weeks. The spin in Belgrade: Milosevic is ready to talk about a U.N. presence in Kosovo, but not before NATO halts its bombing — a position backed by Moscow. NATO remains committed to bombing until its demands are met, and pounded targets in Yugoslavia sides overnight.

Peace now depends on finding a formula by which the Serbs can make sufficient concessions to persuade NATO to ground its bombers. "NATO's not going to easily suspend the bombing because it knows it may be politically unable to restart it," says TIME Pentagon correspondent Mark Thompson. "The alliance may even intensify the bombing in the hope of making Milosevic more compliant." It will be left to Moscow, once again, to choreograph a sequence of symmetrical Serb withdrawal and NATO bombing suspension. Russian envoy Viktor Chizomyrdin heads for Washington Sunday and plans to visit Belgrade shortly. The tracks toward a peace deal have now been laid.

For more visit <http://www.time.com/daily>

GM LOSES SUIT

A Texas jury ruled General Motors must pay \$47.5 million to the family of a man whose neck was broken because his pickup truck did not have head restraints. But the family offered to forgo the \$51 million in punitive damages if GM would recall all trucks made without head restraints.

ENTERTAINMENT
ENTERTAINMENT WEEKLY

PARTY POLITICS

Vice President Al Gore stepped down as guest-host for Larry King's show last night when Republicans joined forces to complain that it was unfair to give him all of that free airtime this close to the 2000 election. Gore was to lead a discussion on the Littleton, Colorado, shootings; instead he just sat in as a guest for the King-moderated program. Although Gore gave up the mike voluntarily, his spokesman said it was unfortunate that Republicans had to "inject partisan politics" into coverage of the Columbine disaster.

For more visit <http://www.ew.com>

NO THIRD GUNMAN


Authorities on Thursday appeared close to ruling out the possibility of a third gunman in the Columbine High School massacre. "At this point we are still excluding the possibility of a third shooter. But we do not have a suspect in mind, and none of the physical evidence points definitely to a third person," said a Jefferson County Sheriff's spokeswoman.

FIG.9A

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Joe's Personalized Newspaper

INSTANT DELIVERY EDITION
FEBRUARY 11, 1999



CLINTON IMPEACHMENT TRIAL

MAJORITY VOTE TO CONVICT ON PERJURY SEEMS TO BE IN DOUBT

By ERIC SCHMITT

WASHINGTON — As the Senate privately debated for a second day whether to remove President Clinton from office, Republican support for conviction began cracking and an effort to remove the President had virtually died.

Three Republican moderates, Sen. James Jeffords of Vermont, Arthur Specter of Pennsylvania and John Chafee of Rhode Island, said they would oppose both the perjury and obstruction of justice charges. Two more Republicans said they would vote for obstruction but against the perjury charge, all but warning that the perjury action would not receive a simple majority of 55 votes.

Jeffords said the president obstructed justice but that it did not rise to an impeachable offense. The senator protested that as many as 40 other Republicans would vote against both charges. A Missouri trio of senators would create the debate on obstruction could also fail to get a majority, much less the 57 votes required for conviction.

Jeffords said he tried in his speech on the floor of the Senate on Wednesday to persuade his Republican colleagues not to buckle to pressure to convict the president. "I wanted to assure some people who were on the edge that it would be

MIAMI'S GENERATIONS OF EXILES, SIDE BY SIDE, YET WORLDS APART

SPECIAL REPORT BY MIREYA NAVARRO

MIAMI — In a classroom of newly arrived Cubans, Alex Alvarez, a Cuban immigrant himself, waited on time regularly passing his students through. "Welcome to this capitalist system," he said. "Each one of you is responsible for the amount of money you have in your pocket. The government is not responsible for whether you eat or whether you're poor or rich. The government doesn't guarantee you a job or a house."

"You've come to a rich and powerful country, but it is up to you whether or not you choose living like you did in Cuba."

Such warnings were not necessary 40 years ago, when Cuban President Fidel Castro sealed down here to wealth as some to give — his daughter. They came from a capitalist system, with enough education and the necessary ambition to fulfill the American dream. But Castro has failed to bring that Miami now reflects different Cubans.

The people from today's Cuba, the children of the revolution, include those living on job applications to Alvarez's class at the Training and Employment Council of South Florida, where he sometimes teaches. "For some high school Havana, Cuba, 'Do not write Bernstein like Chi Minh.'"

The people from an earlier Cuba and their children have grown into a Miami World's War. The mayors of the city and county of Miami, the county police chief and the county judge, among many others, are all Cuban-born or of Cuban descent. So are the president of the largest bank, the owner of the largest real estate developer, the managing partner of the largest law firm, nearly half of the county's 25-member delegation to the state Legislature and two of its six members of Congress.

About the only accomplishment Cuban-Americans demand is regaining their identity.

There's no unity and politics about the situation," a University of Miami sociologist and expert on Cuban affairs, Max Castro, said. "They have succeeded as immigrants and failed as exiles."

Their success and failure is etched on Miami, the main repository of Cuban dreams and dreams in the United States.

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FIG.11A

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Rodney Henry /rmh/

Examiner, Art Unit 3622

Conferees:

Arthur Duran /AD/

Primary Examiner, Art Unit 3622

Vincent Millin /vm/

Appeals Conference Specialist